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REMARKS

The Office Action mailed June 8, 2006, has been received and reviewed. Claims 1-22 are pending in the application. Claims 1-22 have been rejected. Applicants have amended claims 1, 3, 7, 12, 14 and 18, and respectfully request reconsideration of the application as amended herein.

Claim Objections

Claim 1 was objected to for a typographical error relating to the word "event". Appropriate corrections have been made. Applicants respectfully request the objection be withdrawn.

35 U.S.C. § 102(b) Anticipation RejectionsAnticipation Rejection Based on U.S. Patent No. 5,923,650 to Chen et al

Claims 1-6 and 12-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chen et al. (U.S. Patent No. 5,923,650). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants submit that the Chen reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of amended independent claim 1 and claim 2 depending therefrom, amended independent claim 3 and claims 4-6 depending therefrom, amended independent claim 12 and claim 13 depending therefrom, and amended independent claim 14 and claims 15-17 depending therefrom because the Chen reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

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Applicants respectfully disagree that the Chen reference anticipates Applicants' invention as presently claimed in amended independent claims 1, 3, 12 and 14 which recite, in part:

1. ... determining a *transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event* (Emphasis added.)
3. ... determining a *transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event* (Emphasis added.)
12. ... determine a *transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event* (Emphasis added.)
14. ... determine a *transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event* (Emphasis added.)

In contrast, the Chen reference appears to disclose the use of the concept and term "event" in only one instance wherein the Chen reference specifically discloses:

... the *scheduling* can be *triggered by* certain *events*. (Chen, col. 14, lines 42-43; emphasis added).

Clearly, the Chen reference discloses the concept or term "event", however, the disclosure of the term "events" in the Chen reference appears to be directed to an *event triggering* or activating *the generation of a schedule* which cannot anticipate Applicants' claimed invention as recited in amended independent claims 1, 3, 12 and 14 of determining a "transmission schedule for at least one *subscriber station due for a transmission of data based on a forthcoming event*". Generally, the Chen reference's "event" triggers the generation of a schedule while the Applicants' "event" qualifies the subscriber station to be included in the set of subscriber stations to be scheduled based upon a forthcoming event.

Therefore, amended independent claims 1, 3, 12 and 14, and claim 2, 4-6, 13 and 15-17 respectively depending therefrom, cannot be anticipated by the Chen reference under 35 U.S.C. § 102. Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

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35 U.S.C. § 103(a) Obviousness Rejections**Obviousness Rejection Based on U.S. Patent No. 5,923,650 to Chen et al in view of U.S. Patent App. 2001/0029178A1 to Criss et al.**

Claims 7-22 were rejected as being unpatentable over U.S. Patent 5,923,650 to Chen et al in view of U.S. Patent App. 2001/0029178A1 to Criss et al. This rejection is respectfully traversed. Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of claims 7-22 are improper because the elements for a *prima facie* case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

Claims 7-11

Regarding amended independent claim 7 and claims 8-11 depending therefrom, Applicants have amended independent claim 7 to include claim limitations not taught or suggested in the cited references.

Applicants' independent claim 7, as presently amended, recites, in part:

7. A method for scheduling transmission on a link in a communication system, comprising:
ascertaining the link capacity at a base station expecting a pre-scheduled transmission of data on the link wherein **a transmission schedule includes at least one subscriber station due for a transmission of data based on a forthcoming event;** and
proceeding in accordance with said ascertained link capacity. (Emphasis added.)

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Applicants respectfully assert that neither the Chen reference nor the Criss reference, either individually or in any proper combination, teach or suggest Applicants' invention as presently claimed in amended independent claim 7.

Applicants herein sustain the above-proffered arguments regarding the teaching or suggestion of the Chen reference, namely, that the Chen reference teaches or suggests the use of the concept and term "event" in only one instance wherein the Chen reference specifically discloses:

... the *scheduling* can be *triggered by certain events*. (Chen, col. 14, lines 42-43; emphasis added).

Clearly, the Chen reference teaches the concept or term "event", however, the teaching of the term "events" in the Chen reference appears to be directed to an *event triggering* or activating *the generation of a schedule* which cannot teach or suggest Applicants' claimed invention as recited in amended independent claim 7 "wherein a transmission schedule includes at least one *subscriber station due for a transmission of data based on a forthcoming event*". Generally, the Chen reference's "event" triggers the generation of a schedule while the Applicants' "event" qualifies the subscriber station to be included in the set of subscriber stations to be scheduled based upon a forthcoming event.

The Office Action cites the Criss reference for teaching or suggesting "that a remote user can have a pre-scheduled transmission []." (Office Action, p. 8).

Therefore, since neither the Chen reference nor the Criss reference teach or suggest Applicants' claimed invention including "a transmission schedule includes at least one *subscriber station due for a transmission of data based on a forthcoming event*" these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in amended independent claim 7. Accordingly, Applicants respectfully request the rejection of presently amended independent claim 7 be withdrawn.

The nonobviousness of independent claim 7 precludes a rejection of claims 8-11 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also

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MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claim 7 and claims 8-11 which depend therefrom.

Claims 12-13

Regarding amended independent claim 12 and claim 13 depending therefrom, Applicants have amended independent claim 12 to include claim limitations not taught or suggested in the cited references.

Applicants' independent claim 12, as presently amended, recites, in part:

12. An apparatus for scheduling transmission on a link in a communication system, comprising:
a transmitter;
a processor; and
a storage medium coupled to the processor and containing a set of instructions executable by the processor to cause the transmitter to transmit data on a first link in the communication system, determine a *transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event*, and cause the transmitter to transmit scheduling information on the first link in the communication system. (Emphasis added.)

Applicants respectfully assert that neither the Chen reference nor the Criss reference, either individually or in any proper combination, teach or suggest Applicants' invention as presently claimed in amended independent claim 12.

Applicants herein sustain the above-proffered arguments regarding the teaching or suggestion of the Chen reference, namely, that the Chen reference teaches or suggests the use of the concept and term "event" in only one instance wherein the Chen reference specifically discloses:

... the *scheduling* can be *triggered* by certain *events*. (Chen, col. 14, lines 42-43; emphasis added).

Clearly, the Chen reference teaches the concept or term "event", however, the teaching of the term "events" in the Chen reference appears to be directed to an *event triggering* or activating *the generation of a schedule* which cannot teach or suggest Applicants' claimed invention as recited in amended independent claim 12 of a "*transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event*".

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which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claim 14 and claims 15-17 which depend therefrom.

Claims 18-22

Regarding amended independent claim 18 and claims 19-22 depending therefrom, Applicants have amended independent claim 18 to include claim limitations not taught or suggested in the cited references.

Applicants' independent claim 18, as presently amended, recites, in part:

18. An apparatus for scheduling transmission on a link in a communication system, comprising:
a processor;
a storage medium coupled to the processor and containing a set of instructions executable by the processor to ascertain the link capacity at a base station expecting transmission of a pre-scheduled data on the link wherein a *transmission schedule includes at least one subscriber station due for a transmission of data based on a forthcoming event*, and proceed in accordance with the ascertained link capacity. (Emphasis added.)

Applicants respectfully assert that neither the Chen reference nor the Criss reference, either individually or in any proper combination, teach or suggest Applicants' invention as presently claimed in amended independent claim 18.

Applicants herein sustain the above-proffered arguments regarding the teaching or suggestion of the Chen reference, namely, that the Chen reference teaches or suggests the use of the concept and term "event" in only one instance wherein the Chen reference specifically discloses:

... the *scheduling* can be *triggered* by certain *events*. (Chen, col. 14, lines 42-43; emphasis added).

Clearly, the Chen reference teaches the concept or term "event", however, the teaching of the term "events" in the Chen reference appears to be directed to an *event triggering* or activating *the generation of a schedule* which cannot teach or suggest Applicants' claimed invention as recited in amended independent claim 18 of a "*transmission schedule includes at*

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Generally, the Chen reference's "event" triggers the generation of a schedule while the Applicants' "event" qualifies the subscriber station to be included in the set of subscriber stations to be scheduled based upon a forthcoming event.

The Office Action cites the Criss reference for teaching or suggesting "that a remote user can have a pre-scheduled transmission []." (Office Action, p. 8).

Therefore, since neither the Chen reference nor the Criss reference teach or suggest Applicants' claimed invention including "*transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event*" these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in amended independent claim 12. Accordingly, Applicants respectfully request the rejection of presently amended independent claim 12 be withdrawn.

The nonobviousness of independent claim 12 precludes a rejection of claim 13 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claim 12 and claim 13 which depends therefrom.

Claims 14-17

Regarding amended independent claim 14 and claims 15-17 depending therefrom, Applicants have amended independent claim 14 to include claim limitations not taught or suggested in the cited references.

Applicants' independent claim 14, as presently amended, recites, in part:

14. An apparatus for scheduling transmission on a link in a communication system, comprising:
a transmitter configured to transmit data on a first link in the communication system;
a processor; and
a storage medium coupled to the processor and containing a set of instructions executable by the processor to determine a *transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event*, and to schedule transmission on the link in the communication system in accordance with a reception of the transmitted data on a first link. (Emphasis added.)

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Applicants respectfully assert that neither the Chen reference nor the Criss reference, either individually or in any proper combination, teach or suggest Applicants' invention as presently claimed in amended independent claim 14.

Applicants herein sustain the above-proffered arguments regarding the teaching or suggestion of the Chen reference, namely, that the Chen reference teaches or suggests the use of the concept and term "event" in only one instance wherein the Chen reference specifically discloses:

... the *scheduling* can be *triggered* by certain *events*. (Chen, col. 14, lines 42-43; emphasis added).

Clearly, the Chen reference teaches the concept or term "event", however, the teaching of the term "events" in the Chen reference appears to be directed to an *event triggering* or activating *the generation of a schedule* which cannot teach or suggest Applicants' claimed invention as recited in amended independent claim 14 of a "*transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event*". Generally, the Chen reference's "event" triggers the generation of a schedule while the Applicants' "event" qualifies the subscriber station to be included in the set of subscriber stations to be scheduled based upon a forthcoming event.

The Office Action cites the Criss reference for teaching or suggesting "that a remote user can have a pre-scheduled transmission []." (Office Action, p. 8).

Therefore, since neither the Chen reference nor the Criss reference teach or suggest Applicants' claimed invention including "*transmission schedule for at least one subscriber station due for a transmission of data based on a forthcoming event*" these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. § 103, Applicants' invention as presently claimed in amended independent claim 14. Accordingly, Applicants respectfully request the rejection of presently amended independent claim 14 be withdrawn.

The nonobviousness of independent claim 14 precludes a rejection of claims 15-17 which depend therefrom because a dependent claim is obvious only if the independent claim from

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least one subscriber station due for a transmission of data based on a forthcoming event".

Generally, the Chen reference's "event" triggers the generation of a schedule while the Applicants' "event" qualifies the subscriber station to be included in the set of subscriber stations to be scheduled based upon a forthcoming event.

The Office Action cites the Criss reference for teaching or suggesting "that a remote user can have a pre-scheduled transmission []." (Office Action, p. 8).

Therefore, since neither the Chen reference nor the Criss reference teach or suggest Applicants' claimed invention including "*transmission schedule includes at least one subscriber station due for a transmission of data based on a forthcoming event*" these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. § 103, Applicants' invention as presently claimed in amended independent claim 18. Accordingly, Applicants respectfully request the rejection of presently amended independent claim 18 be withdrawn.

The nonobviousness of independent claim 18 precludes a rejection of claims 19-22 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claim 18 and claims 19-22 which depend therefrom.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: October 9, 2006

By: Roberta A. Young
Roberta A. Young, Reg. No. 53,813
(858) 658-5803

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5102
Facsimile: (858) 658-2502